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August 20, 2008

Via Facsimile (212) 805-7925 Judge Robert W. Sweet United States District Judge Daniel Patrick Moynihan United States Courthouse 500 Pearl St., Room 1920 New York, NY 10007

Re:

In the Matter of Donjon Marine Co., Inc.

as owner of the Tug William E. S.D.N.Y. Civ. 07-3840 (RWS) (DFE) Kirby v. Donjon Marine Co., Inc. S.D.N.Y. Civ. 07-3747 (RWS) (DFE)

Our File No. 609-8731

USDC SDNY DOCUMENT ELECTRONICALLY FILED

Dear Judge Sweet:

We are counsel for petitioner Donjon Marine Co., Inc. In a Decision dated August 5, 2008, the Court granted petitioner's motion for summary judgment and dismissed plaintiff Dennis Kirby's complaint.

There were two related cases resolved by Your Honor's Decision, a limitation of liability proceeding begun by Donjon Marine (07-civ-3840) and the underlying injury lawsuit begun by Dennis Kirby (07-civ-3747). However, only the limitation proceeding has been closed. We understand from Your Honor's deputy that the Clerk cannot officially close the companion case without direction from the Court. Accordingly, it is respectfully submitted that the Clerk be directed to close the underlying injury lawsuit (07-civ-3747).

Respectfully submitted

RUBIN, FIORELLA & FRIEDMAN LLP

SO ORDERED:

cc: Gorayeb & Associates (via facsimile 212 962-5418)